

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

DELAWARE HEALTH CORPORATION, )  
a Delaware corporation, )

Plaintiff, )

v. )

Case No. 07-829-\*\*\*-LPS

MICHAEL O. LEAVITT, )  
Secretary of the United States )  
Department of Health and Human Services, )

Defendant. )

**AFFIDAVIT OF SERVICE**

**(Service on General Counsel of the  
United States Department of Health and Human Services)**

STATE OF DELAWARE :  
NEW CASTLE COUNTY : SS.

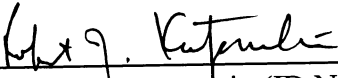
I, Robert J. Katzenstein, being duly sworn according to law, do depose and say:

1. On December 19, 2007, I caused to be filed a Complaint for Judicial Review of Final Adverse Agency Decision on Medicare Reimbursement (D.I. 1) (the "Complaint"). Pursuant to Fed. R. Civ. P. 4(i)(2), on December 20, 2007, a copy each of the Complaint, the Summons, the Notice of Availability of a U.S. Magistrate Judge to Exercise Jurisdiction (D.I. 2), Plaintiff's Corporate Disclosure Statement (D.I. 3), the Civil Cover Sheet, and the Acknowledgment of Receipt for AO Form 85, was sent by certified mail to:

General Counsel of the Department of  
Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

The certified mail receipt for this mailing is attached hereto as Exhibit A.

2. The signed green card returned by the postal service on January 7, 2008 indicating the certified mail envelope was received by the Department of Health and Human Services on December 26, 2007 is attached hereto as Exhibit B.

  
Robert J. Katzenstein (ID No. 378)

SWORN TO AND SUBSCRIBED before me this 7th day of January 2008.

  
Notary Public


My commission expires: 3 - 25 - 2008

ELLEN Y. SEBASTIANI  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires March 25, 2008

# **EXHIBIT A**

7005 1820 0001 9465 2099

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail) Only; No Insurance Coverage Provided	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Postage	\$ 1.31
Certified Fee	2.65
Return Receipt Fee (Endorsement Required)	2.15
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.11



Sent To Gen. Counsel / Dept. H + H S	
Street, Apt. No., or PO Box No. 200 Independence Ave. S.W.	
City, State, ZIP+4 Washington D.C. 20001	

PS Form 3800, June 2002 See Reverse for Instructions

**Certified Mail Provides:**

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

PS Form 3800, June 2002 (Reverse)

**Important Reminders:**

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**  
Internet access to delivery information is not available on mail addressed to APOs and FPOs.

# **EXHIBIT B**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

General Counsel of the  
Dept. of Health and  
Human Services  
260 Independence Ave. SW.  
Washington, D.C. 20201

## 2. Article Number

(Transfer from service label)

7005 1820 0001 9465 2099

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

X ☐ Agent☐ Addressee

## B. Received by (Printed Name)

MAYNES

## C. Date of Delivery

12-26-07

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

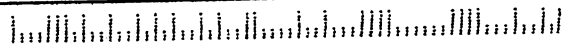
**RECEIVED**

EYS

JAN 07 2008

RJK

Smith, Katzenstein and Furlow LLP  
PO Box 410  
Wilmington, DE 19899-0410





**CERTIFICATE OF SERVICE**

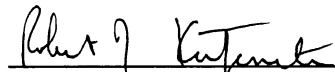
The undersigned hereby certifies that a true and correct copy of Plaintiff's Affidavit of Service re: service of process on the General Counsel of the United States Department of Health and Human Services, was caused to be served this 7<sup>th</sup> day of January 2008 on the following by first class mail:

Colm F. Connolly, Esquire  
United States Attorney's Office  
District of Delaware  
1007 N. Orange Street, Suite 700  
P.O. Box 2046  
Wilmington, DE 19899

Michael B. Mukasey, Attorney General  
of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Michael O. Leavitt, Secretary of the United  
States Department of Health and Human Services  
c/o General Counsel of the Department of Health  
and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201

General Counsel of the  
Department of Health and Human Services  
200 Independence Avenue, S.W.  
Washington, D.C. 20201



Robert J. Katzenstein (ID No. 378)